

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

19 Cr. 486 (ER)

DONALD BLAKSTAD,

Defendant.

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO SUPPRESS EVIDENCE OBTAINED FROM WARRANTS
FOR CELL PHONE LOCATION INFORMATION**

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On April 17, 2019, a magistrate judge for the Southern District of New York signed the warrant and order for cell phone location information. (See Exhibit A, 19 MAG 3752). This order required Verizon to provide to the FBI both prospective location information for 45 days from the date of the order and precise location information including GPS data. It also ordered Verizon to provide historical cell site data showing the location of the target cell phone for the period from March 2, 2019 through the date of the order.

On July 2, 2019 magistrate judge signed a warrant and order requiring Verizon to provide prospective location data for and historical location information from 1 June 2019 through the date of the order and 45 days thereafter (See 19 MAG 6203, Exhibit B attached)

Both these warrants were, in so far as historical location data concerned, manifestly improper and entirely lacking in probable cause required to justify the issuance of a warrant. This is because the indictment in this case alleged that the charged insider trading scheme occurred from about 2016 through 2018. Thus there was no ongoing illegality alleged. Further, by the time of the issuance of the second order defendant Martha Bustos had pled guilty. Thus, there was no evidence of any ongoing criminal activity and no valid basis for seeking historical cell site data or location information from 2019. The promiscuous and unjustified

use of this procedure so shortly after the Supreme Court decision in *Carpenter v. United States*, 585 U.S. ____ (2018) as it cannot be excused.

Dated: May 29, 2020

Respectfully submitted,

/s/ Eugene Iredale
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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2020, I electronically filed Defendant's (1) Memorandum Of Points And Authorities In Support Of Motion To Suppress Evidence Obtained From Warrants For Cell Phone Location Information with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the parties in this case:

Edward Arthur Imperatore, AUSA.

Respectfully submitted,

/S/ Eugene Iredale
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